

REMARKS

The present application was filed on July 24, 2003 with Claims 1 through 43. Claims 1 through 43 are presently pending in the above-identified patent application. Claims 1, 14, 24, and 37 are amended herein.

In the final Office Action prior to the accompanying request for continued examination, the Examiner rejected Claims 1, 4-6, 24, and 27-29 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Petersen et al. (United States Patent No. 5,802,051)(hereinafter, "Petersen '051") in view of Petersen et al. (United States Patent No. 5,802,023) (hereinafter, "Petersen '023"); rejected Claims 2-3, 9-12, 14-22, 25-26, 32-35, and 37-42 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Petersen '051 in view of Petersen '023 and further in view of White et al. (United States Patent No. 6,392,664); rejected Claims 7-8 and 30-31 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Petersen '051 in view of Petersen '023 and further in view of Saito et al. (United States Patent No. 5,909,428); rejected Claims 13 and 36 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Petersen '051 in view of Petersen '023, and further in view of Williams (United States Patent No. 5,867,764); and rejected Claims 23 and 43 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Petersen et al. '051 in view of Petersen et al. '023 and White et al., and further in view of Williams.

Applicants and applicants' undersigned representative thank Examiner Stokely-Collins for granting the courtesy of a telephonic interview, which was conducted with Examiners Stokely-Collins and Koenig on June 24, 2008.

This amendment is submitted together with a request for continued examination. The independent claims have been amended as agreed in the June 24 interview, and it is the understanding of applicants' undersigned representative that the Examiners agreed that the amended claims clear the art of record, although a new search will be conducted as directed to the amended claims.

Applicants also note that the final Office Action indicates that a PTO-892 was attached, but no such PTO-892 was received. If the Examiner has cited any new references, an updated PTO-892 is respectfully requested.

Independent Claims 1, 14, 24 and 37

Claim 1 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable in view of a proposed combination of Petersen '051 and Petersen '023. Petersen '051 is directed to insertion of minicells into a larger ATM cell. Petersen '051 col. 8 lines 36-45. Each minicell has a header. Petersen '051 FIGS. 7A and 7B. Thus, Petersen '051 employs a complex process wherein there are two operations for breaking up data into, first, minicells, each with its own header, and then ATM cells. The same is true of Petersen '023. Please refer to Petersen '023 col. 2 lines 34-36: each minicell has a header. Petersen '023, at column 5 lines 21-32, does mention special decoupling minicells that have no header; however, such decoupling minicells *also do not have a payload, id.* at column 5, lines 24-25.

Amended Claim 1 recites that first (higher priority) data is contained in the information section of the data object, ***the first data being without any data overhead portion associated with the first data within the information section.*** Amended Claim 1 also requires ***second data within the information section of the data object.*** In one embodiment, shown in FIG. 2, the first data is real-time data 282 placed in information section 294 of cell 291. If there is space left over, lower priority (second) data may be placed in the remaining portion of the information section 294; for example, non-real-time data 278, which may or may not have an associated data overhead portion 276. In any event, the first data 282 (for example, LSCP request 272 with op code 274) is placed directly in information section 294 without any data overhead portion associated with the first data within the information section.

The Examiner stated, at pages 3-4 of the final Office Action, that Petersen '023 shows "an information section (payload, column 5 lines 37-41), the first data being contained in the information section of the data object without any data overhead portion associated with the first data in the information section (it is inherent that the ATM cell carries entire minicells of data in it's (sic) payload without splitting the minicell between two different ATM cells)." As respectfully asserted by the undersigned during the personal interview, not only does the parenthetic statement mentioned by the Examiner not show first data being contained in the information section of the data object without any data overhead portion associated with the first data within the information section,

the parenthetic statement *directly teaches away from applicants' claimed invention*. The payload of the ATM cell is filled with *minicells, each of which has a header* (i.e., a data overhead portion) ***within the payload section of the ATM cell***, directly contrary to applicants' claimed invention. The only minicells which do not have a header are the special decoupling minicells that have no header but *also do not have a payload*.

Note that Claim 1 requires "the *first data being contained in the information section of the data object, the first data being **without any data overhead portion associated with the first data within the information section.***" Any data stored in the ATM cells of Petersen '023 is in minicells that have headers, i.e., data overhead portions, *within the payload section of the cell*, since the special decoupling minicells that have no header also carry no data since they have no payloads.

In the advisory action, the Examiner stated that "Petersen '023 teaches an ATM cell with an information section and a header, in which the higher priority data (first data) is completely contained in the information section and has no data overhead anywhere else in the ATM cell; the only data overhead portion of the ATM cell is the ATM cell header; which is not specific to the first data." Applicants respectfully disagree, respectfully assert that there is simply no such teaching or suggestion in Petersen '023, and trust that the amendments herein and discussions during the telephonic interview make the distinctions from Petersen '023 and the other prior art apparent. Petersen '023 shows only minicells within the payload section of the ATM cell, and each and every minicell that carries data has its own header within the payload section of the ATM cell. An *ordinary* ATM cell has data in the payload section with data overhead in the header of the cell, as stated by the Examiner, but *ordinary* ATM cells have *no capability of transporting second data*, as required by the claim. There is no teaching or suggestion in Petersen '023 or any other art of record, alone or in any combination, of: *first data being contained in the information section of the data object, the first data being **without any data overhead portion associated with the first data within the information section,*** as well as *second data within the information section of the data object*. Prior to applicants' invention, it has not been possible to transport both first and second data in an ATM cell without having both a data overhead portion for the first data

within the payload portion of the ATM cell and a data overhead portion for the second data within the payload portion of the ATM cell.

Applicants' claimed invention, as claimed in Claim 1, is neither taught nor suggested by the proposed combination of Petersen '051 and Petersen '023, even assuming, *arguendo*, that such combination is proper.

Since the proposed combination of Petersen '051 and Petersen '023 neither teaches nor suggests all the limitations of Claim 1, it is respectfully submitted that Claim 1 is patentable.

Claims 14 and 37 were rejected under 35 U.S.C. § 103(a) as allegedly obvious in view of a proposed combination of Petersen '051, Petersen '023, and White at al. Claims 14 and 37 have been amended in a manner similar to Claim 1, and accordingly, it is respectfully submitted that the amended versions of Claims 14 and 37 are patentable. (White was cited only for the teaching of a cable television network and does not address the details of the first and second data within the payload section.)

Claim 24 was rejected on the same rationale as was Claim 1. Claim 24 has been amended in a manner similar to Claim 1, and is thus patentable for at least the same reasons as Claim 1.

Dependent Claims 2-13, 15-23, 25-36, and 38-43

All the dependent claims are patentable, since they depend on the independent claims, which are patentable for the reasons set forth above, and because they add further patentable limitations. Further, applicants respectfully note that none of the other references cited by the Examiner in rejecting the dependent claims, whether taken alone or in any combination with any other reference(s) cited by the Examiner in rejecting the claims (assuming *arguendo* that any such combination would be proper), teach or suggest the claimed data object with *first data contained in the information section of the data object, the first data being **without any data overhead portion associated with the first data within the information section**, as well as **second data within the information section of the data object***.

Conclusion

All of the pending claims following entry of the amendments, i.e., Claims 1-43, are in condition for allowance and such favorable action is respectfully and earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is greatly appreciated.

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Respectfully submitted,



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